

Clinical Risk and Judicial Reasoning

Eugene F. Sanger, AM, MD, 1829–1897

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Published online: 26 November 2008
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Abstract This biographical sketch of Eugene F. Sanger, AM, MD, corresponds to the historic text, *The Classic: Report of the Committee on Suits for Malpractice*, available at DOI [10.1007/s11999-008-0639-z](https://doi.org/10.1007/s11999-008-0639-z).

This month's symposium is devoted to a variety of current medical-legal issues facing today's orthopaedic surgeons. Importantly, many of the same issues were faced in the 19th century and were addressed in a fascinating report of the Committee on Suits for Malpractice of the Maine Medical Association and authored by one Eugene F. Sanger, AM, MD, a well-known and sometimes controversial figure (Fig. 1). Dr. Sanger was born in Waterville, Maine, in 1829 [3]. He graduated from Dartmouth College in 1849, and Jefferson Medical College (Philadelphia) in 1853. He thereafter took several posts in Massachusetts (the United States Marine Hospital) and New York (Charity Hospital, Blackwell Island, now Roosevelt Island, New York City). Sanger traveled abroad in London, Edinburgh, and Paris to further his training, then opened a general practice in Ellsworth, Maine [1]. In 1857, he settled in Bangor, Maine, where he married, raised a family of three children, and lived the rest of his life (though not without a contentious divorce).

Early in the American Civil War Sanger volunteered for duty, but in 1863 was commissioned as a Brigade Surgeon in the regular army [3] (Fig. 2). He rose to become Medical Director of the Defenses of New Orleans, and subsequently

General Sherman's Surgeon in Chief. In the siege of Port Hudson (a Confederate stronghold on the Mississippi River) in the spring and summer of 1863, he lost a portion of his left leg below the knee (presumably not an amputation), but that evidently did not prevent his continuing duty and subsequent active life [1]. Late in 1863 he was assigned to the 19th Army Corps, where he heroically participated in the Red River Campaign (March to May, 1864) [3].

Sanger then entered a controversial period in his life. August 6th, 1864, he was assigned to the Elmira, NY, prison camp (Fig. 3). He was in charge of the medical care of between 9000–10,000 Confederate prisoners in unsavory conditions (including scurvy). According to Waggoner [6], "Sanger demonstrated both concern about the sanitary condition of the camp and pride in the deaths of POWs as furthering the overall war aims. His cruelty attracted some censure, but Sanger never faced disciplinary action." According to another report of the time, he was "a man who realized his own potential and self-wealth, and made every effort to see that others realized it as well" [1]. However, within weeks he had notified his superiors of the poor conditions and the interference by the military command in his attempts to rectify them. According to Gray he repeatedly tried to be reassigned and wrote that he "...could not be held responsible for a large medical department with over a 1000 patients without power, authority, or influence" [2]. While his comments were sympathetically received by a Colonel Hoffman in Washington, he was told the conditions there were the responsibility of the camp commander, with whom he clashed. Nonetheless, he was held by some to be responsible for high death rates. Sanger was subsequently sent to Detroit and then to Nashville where he was Medical Director of the District of East Tennessee. He left military

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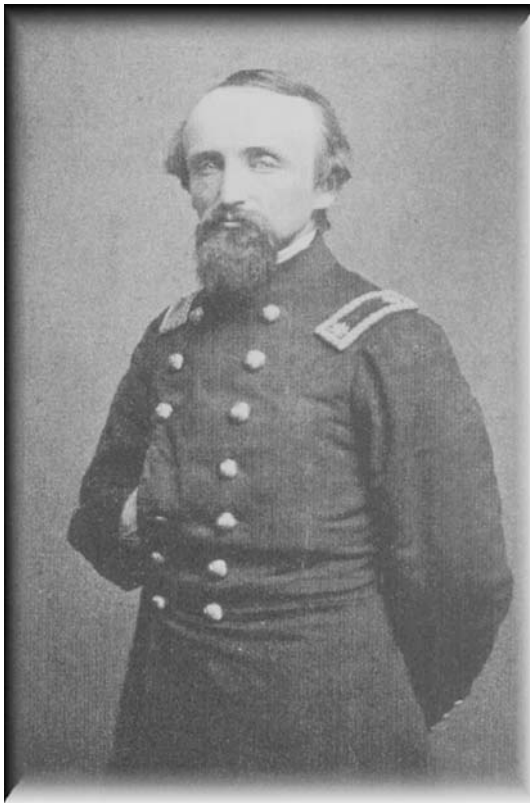


Fig. 1 Dr. Eugene Sanger is shown.

service in September, 1865, and returned to Bangor where he developed a large surgical practice and “hesitated at nothing in surgery” [3]. He was appointed surgeon-general of Maine and became President of the Maine Medical Association in 1877. He wrote on a number medical conditions, but had a particular interest in (one might say passion for) the problems of malpractice suits [4].

In the (often colorful, if a bit biased) article we reproduce here, “Report on the Committee on Suits for Malpractice” [5], Sanger clearly outlines (and in some cases details) the major problems faced by the medical profession with malpractice suits. In his inaugural address as President of the Maine Medical Association, he proposed a committee to petition the Legislature “for an Act to protect the science and art of medicine and surgery, animadverting upon members of the Association who encourage or become partisans to malpractice suits” [5]. He and his colleagues were ultimately unsuccessful in obtaining legislation despite passage by the State Senate. Readers will find he addressed a number of contemporary issues: expert witnesses who were not expert (and who “disappeared”), nuisance suits, costs borne by successful defendants (“The cost of a single lawsuit, wrongfully prosecuted, may sweep away the earnings of years, and the reputation upon which he depends to meet the daily wants



Fig. 2 This photograph of Dr. Sanger includes his signature as Surgeon of U.S. Volunteers.



Fig. 3 The Civil War prison camp at Elmira, NY in 1864 is shown during roll-call.

of life”), not to mention the difficulties in getting legislation passed. He urged his colleagues to be involved in the political processes: “It should be the duty of every physician to explain the matter to his representative,” for “Nothing can be accomplished without effort.” “Plus ça change, plus c’est la même chose” (“The more things change, the more they stay the same.”).

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